



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**Update on the First Year of Implementation  
of the New Alcohol Regulations, and  
Discussion of Alternatives Going Forward**

**City Council Work Session  
December 2, 2014**



# Purpose of Regulations

“To provide for the orderly integration of alcohol-related uses, including the sale of wine and beer, in a manner that will protect public safety and encourage business growth.”

**Well-managed and responsible establishments should be given maximum flexibility to operate successfully and poorly managed businesses should be shut down.**



# Eight Performance Standards

- No adverse effects to the health, peace or safety of persons residing, visiting, or working in the surrounding area;
- No jeopardizing or endangering the public health or safety of persons residing, visiting, or working in the surrounding area;
- No repeated nuisance activities within the premises or in close proximity of the premises;
- No violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute;
- Upkeep and operating characteristics are compatible with and do not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;
- Employees, except those employees with no customer contact, attend and successfully complete a training class on Responsible Beverage Service (exempting employees at retail stores like large grocery stores);
- Establishment complies with all standards of ABC; and
- No alcohol sales to minors.



# Annual Alcohol Beverage Outlet Fees

Provide funds to pay for greater oversight and inspections of establishments by Hayward Police Department

Level I: \$280 – restaurants, wine shops, breweries, distilleries, and large grocery stores

Level II: \$1,120 – other establishments



# Fines

Gain compliance and discourage establishments from violating basic operating standards and conditions of ABC license and City permits

\$750 - first offense

\$1,500 - second offense

\$2,500 - third and subsequent offenses



Fee Type	ABC License Type	ABC License Description	No. of Establish-ments	No. of Establish-ments Issued One Citation*	% receiving citations of similar ABC types	No. of Establish-ments Issued Two or More Citations*	% receiving citations of similar ABC types
I (\$280)	20	Off-Sale Beer and Wine	16				
I (\$280)	21	Off-Sale General	17				
I (\$280)	41	On-Sale Beer and Wine for Bona Fide Public Eating Place	70	7	10.0%		
I (\$280)	42	On-Sale Beer and Wine for Public Premises	1				
I (\$280)	47	On-Sale General for Bona Fide Public Eating Place	22	4	18.2%	2	9.1%
I (\$280)	70	On-Sale General Restrictive Service	1				
Subtotal:			127	11	8.7%	2	1.6%
II (\$1.120)	20	Off-Sale Beer and Wine	13	3	23.1%		
II (\$1.120)	21	Off-Sale General	30	5	16.7%		
II (\$1.120)	40	On-Sale Beer	5	1	20.0%	1	20.0%
II (\$1.120)	48	On-Sale General for Public Premises	13	5	38.5%	3	23.1%
Subtotal:			61	14	23.0%	4	6.6%
GRAND TOTAL:			188	25	13.3%	6	3.2%

\*Citations issued for major violations of standards (e.g., serving to minors, jeopardizing public health or safety, repeated nuisance activities, violating ABC or City CUP conditions)



# Regulating Authority

Two agencies with regulations pertaining to alcohol establishments:

- City of Hayward
- California Dept. of Alcohol Beverage Control (ABC)



## **Type 1:**

**Mostly Restaurants and large grocery stores  
Require 1 compliance check per year**

## **Type 2:**

**Mostly Liquor Stores, bars and taverns  
Require 4 compliance checks per year**





# **Three Activities used to inspect establishments:**

**Compliance Check**  
**Minor Decoy Operation**  
**Surveillance**



**First Inspection  
Violations:**

**4/10- Decoy Sales**

**36- Minor Violations**

**5- No Violations**

**Fourth Inspection  
Violations:**

**6/18- Decoy Sales**

**1- Minor Violation**

**54- No Violations**



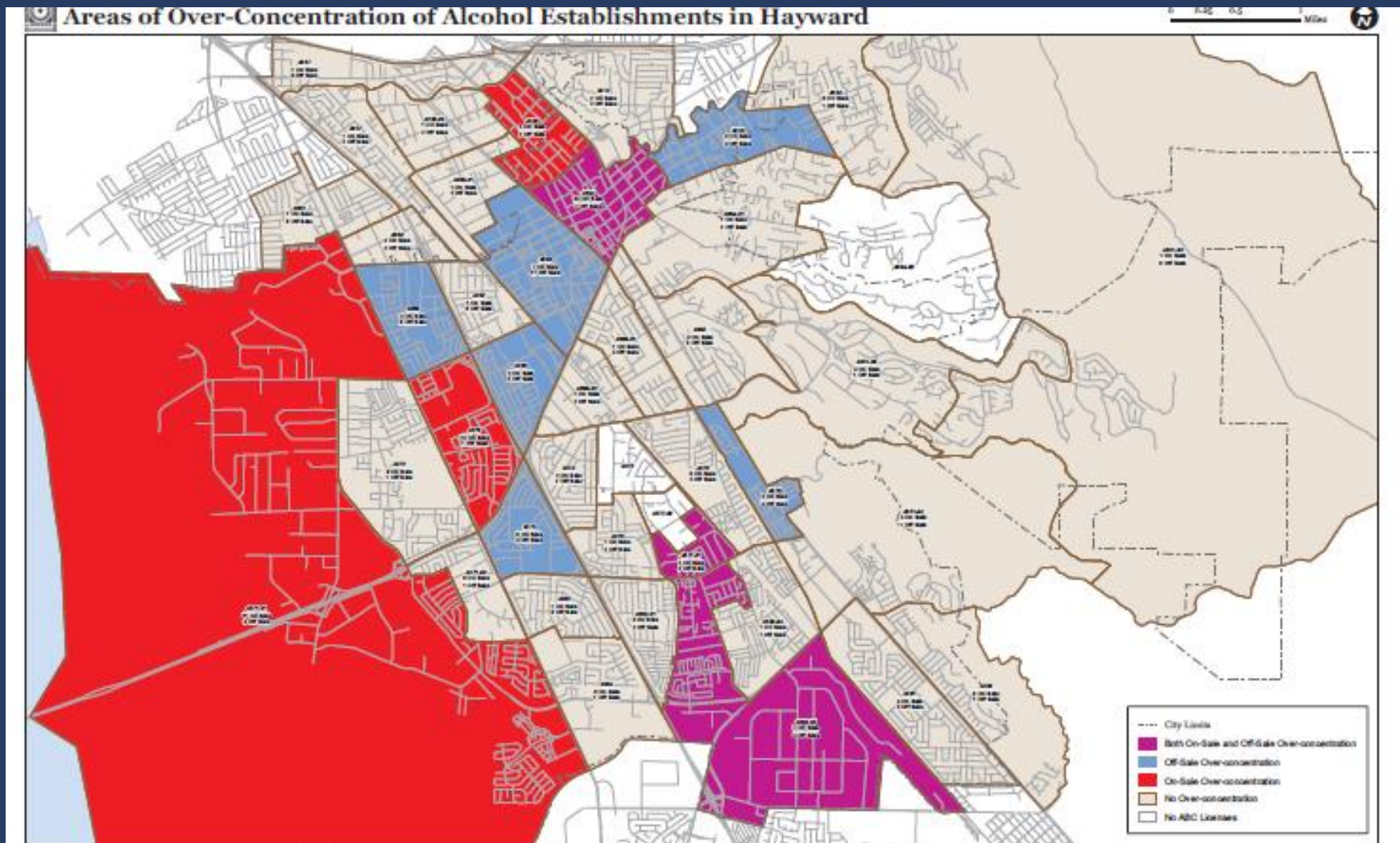
**Minor Decoy Operations:**  
**103- Decoy Operations**  
**26- Sold alcohol to minors**



# Happy Hours at Bars

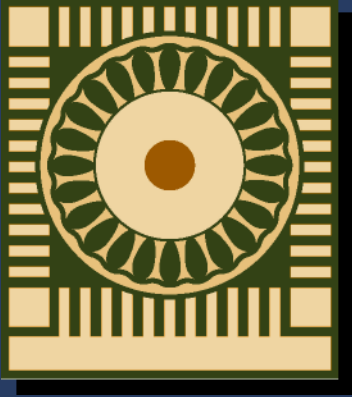


# Reducing Separation requirements for Off-Sale Establishments



Current as of 10/13/14; Source: ABC online database





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